

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL JAY HARRIS,

Plaintiff,

v.

M. ATCHLEY, et al.,

Defendants.

Case No. [20-cv-07899-EMC](#)

**ORDER OF DISMISSAL**

Docket No. 1

Michael Jay Harris filed this *pro se* prisoner's civil rights action pursuant to 42 U.S.C. § 1983. In his complaint, he alleges that prison officials failed to provide him paper he needed to prepare a legal document. His complaint in this action repeats the claim made in *Harris v. Atchley*, Case No. 20-cv-3883 EMC. The earlier action is still pending.

The complaint in this action is frivolous because it is duplicative of the complaint filed in the earlier action. *See Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (duplicative or repetitious litigation of virtually identical causes of action is subject to dismissal under 28 U.S.C. § 1915 as malicious); *see also Adams v. California Dept. of Health Services*, 487 F.3d 684, 689 (9th Cir. 2007) ("Plaintiffs generally have 'no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.'")

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1 Accordingly, this action is **DISMISSED** with prejudice because it is frivolous. The Clerk  
2 shall close the file.

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4 **IT IS SO ORDERED.**

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6 Dated: February 1, 2021

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9 EDWARD M. CHEN  
10 United States District Judge  
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